

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-20451

JAY SCHWARTZ,

Defendant.

**ORDER GRANTING LEAVE TO FILE EXCESS PAGES, BIFURCATING
SENTENCING, AMENDING BRIEFING SCHEDULE
AND RESETTING SENTANCING HEARING**

Before the court is Defendant Jay Schwartz's "Defendant's Motion for Page Limit Extension and Bifurcated Sentencing." (ECF No. 102.) Defendant is challenging the Probation Department's calculation of his advisory guideline range and argues that the "more complex" nature of the dispute and "the potential [for] expert testimony at sentencing" justifies the bifurcation of the sentencing into two separate hearings. (*Id.*, PageID.3881.) Defendant has also requested that the parties conduct a more formal, expanded briefing regarding the guideline calculations (instead of the regular practice of submitting such objections and responses to Probation for inclusion in the presentence report). Defendant indicated that he had sought concurrence in his motion and that the Government "does not oppose bifurcated sentencing proceedings, so long as Mr. Schwartz's ultimate sentencing date is not further delayed." (*Id.*, PageID.3887.)

On May 12, 2022, the court held an off-the-record status conference regarding Defendant's motion. During the conference, Defendants proposed a schedule for the

briefing it suggested would allow same sentencing date to be maintained. The Government indicated it did not oppose Defendant's recommended schedule. Therefore, the court will adopt the plan proposed at the status conference, with one modification; due to a change in the court's schedule, the sentencing hearing will be pushed back by a day. Accordingly,

IT IS ORDERED that Defendant's "Motion for Leave to File Excess Pages and Bifurcated Sentencing" (ECF No. 102) is GRANTED. Defendant may file briefs exceeding the ordinary page limitations, and the court will conduct a bifurcated sentencing hearing subject to the following schedule:

IT IS ORDERED that the Government shall submit a response to "Defendant's Motion for Guideline Reduction" (ECF No. 103) by **May 23, 2022**.

IT IS ORDERED that a hearing is set for **June 1, 2022 at 1:30 pm** to consider "Defendant's Motion for Guideline Reduction" (ECF No. 103). Sentencing is RESET for **June 2, 2022 at 1:30 pm**.

IT IS FURTHER ORDERED this court's previous order (ECF No. 101) directing the parties to submit a response to outstanding PSR objections by May 18, 2022 is SUPERSEDED by the present order.

s/Robert H. Cleland _____ /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 17, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 17, 2022, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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